

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AESC INS. GROUP OF NEW MEXICO,

Plaintiff,

v.

No. 12-cv-0017 SMV/CG

ASPEN INS. UK, LTD.,

Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO
STRIKE OR, IN THE ALTERNATIVE, MOTION FOR SURREPLY**

THIS MATTER is before the Court on Motion of AESC-NM Insurance Group of New Mexico to Strike Declarations or, in the Alternative, to Permit Surreply [Doc. 31], filed on May 2, 2012. Defendant has not yet responded, and the Court requires no response. The Court, being fully advised in the premises, FINDS that the motion to strike is not well-taken and should be denied. The Court FURTHER FINDS that the alternative motion for leave to file a surreply is well-taken and should be granted.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Motion of AESC-NM Insurance Group of New Mexico to Strike Declarations or, in the Alternative, to Permit Surreply [Doc. 31] is **GRANTED IN PART** and **DENIED IN PART**. The Court will not strike the declarations attached as exhibits to Defendant's reply brief [Docs. 28-1, 28-4]. However, the

Court will grant Plaintiff leave to file a surreply to Defendant's Motion to Compel Arbitration [Doc. 12]. The surreply is due no later than **May 31, 2012**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge
Presiding by Consent